



County of San Diego

SOLID WASTE LOCAL ENFORCEMENT AGENCY

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DATE: April 30, 2007

TO: Gary W. Erbeck
Director, Department of Environmental Health

FROM: County of San Diego Solid Waste Local Enforcement Agency

SUBJECT: GREGORY CANYON LANDFILL
ENVIRONMENTAL IMPACT REPORT

SUMMARY:

Overview

This memorandum proposes (1) that you certify that the enclosed Gregory Canyon Landfill Revised Final Environmental Impact Report (Final EIR) complies with the California Environmental Quality Act (CEQA), and (2) that you find that the mitigation measures proposed in the Revised Final EIR are consistent with Section 5R of Proposition C.

On April 30, 2007 the Revised Final EIR will be transmitted to public agencies that provided comments on the 2006 Revised Partial Draft EIR. To allow time for review by these agencies, you should not take any action on the Revised FEIR prior to May 18, 2007.

On February 6, 2003 you certified a Final Environmental Impact Report (the 2003 Draft EIR) for the Gregory Canyon Landfill. The adequacy of the certified 2003 Draft EIR was subsequently challenged in a CEQA lawsuit. On October 3, 2005 the Court issued a final minute order finding most of the 2003 Draft EIR adequate and in compliance with CEQA but required revisions in three areas:

- The Court held that insufficient opportunity for public comment had been provided before the 2003 Draft EIR was certified, because traffic information contained in the 2003 Traffic Needs Assessment Study of Tribal Development Projects in the San Diego Region had not been circulated for comment.
- The Court also held that the 2003 Draft EIR did not adequately identify the sources of water necessary to construct and operate the landfill and did not adequately analyze the impacts of obtaining that water.
- Finally, the Court required that mitigation measures for biological resources be modified as necessary to reflect the requirements of Section 5R of Proposition C, concerning the preservation of open space.

On January 20, 2006, the Court issued a final judgment and writ of mandate ordering decertification of the 2003 Draft EIR and requiring additional environmental review to address the three matters noted in the

Court's order. The project proponent modified the project to rely on percolating ground water from on-site wells screened within the fractured bedrock zone and on imported recycled water, to incorporate additional biological mitigation, and to incorporate additional traffic mitigation.

The LEA conducted additional analysis and circulated a Revised Partial Draft EIR for comment in July and August of 2006. Over 1,000 separate comments were received from more than 150 persons and organizations. These comments were carefully considered and revisions were made to the Revised Partial EIR in response to these comments and to reflect additional review by LEA staff and the project proponent. The Revised Partial EIR provided to you with this report shows those revisions, which are both highlighted throughout the document and summarized in Table 1-1 in Chapter 1.0, Introduction section of the Revised Partial EIR. The LEA has reviewed the recently certified (March 28, 2007) Final Tribal Environmental Impact Report for the Pala Casino and Spa Expansion Project and has included it in this submittal for your consideration.

The Revised Final EIR you are being asked to certify consists of the 2003 Draft EIR, the Revised Partial EIR, public comments and recommendations on the Revised Partial Draft EIR, and the Solid Waste Local Enforcement Agency responses to significant environmental points raised in those public comments and recommendations. Several sections of the 2003 Draft EIR have been revisited to reflect the additional environmental review and analyze new actions that have been taken after the 2003 Draft EIR was completed. All changes and additions to the 2003 Draft EIR are presented as replacement text or supplemental text in the Revised Partial EIR. The original text of the 2003 Draft EIR is incorporated by reference as part of the Revised Final EIR. Sections of the 2003 Draft EIR that have not been amended are not reproduced in the Revised Final EIR.

The Revised Partial Draft EIR and Revised Partial EIR address the requirements of the Court's writ and in certain instances go beyond the requirements of the writ. Staff concludes that the Final EIR has been prepared in accordance with the CEQA and the related CEQA Guidelines, and the mitigation that is proposed is consistent with Section 5R of Proposition C. Therefore, the document is being presented to you for certification pursuant to CEQA.

General Description and Purpose of Revised Final Environmental Impact Report

Section 15132 of the California Environmental Quality Act (CEQA) Guidelines (14 California Code of Regulations Section 15000, et. seq.) states that the Final EIR shall consist of: "(a) the Draft EIR or a revision of the draft; (b) comments and recommendations received on the Draft EIR either verbatim or in summary; (c) a list of persons, organizations, and public agencies commenting on the Draft EIR; (d) the responses of the Lead Agency to significant environmental points raised in the review and consultation process; and (e) any other information added by the Lead Agency."

The main document in this package is the Revised Partial EIR. Volume I of the Revised Partial EIR contains new text for the sections of the 2003 Draft EIR that are being revised or replaced, and new appendices A through D. These appendices are the main technical studies supporting the Revised Partial EIR. Changes made in response to comments on the 2006 Revised Partial Draft EIR, as well as other changes made in response to additional review by LEA staff or the project proponent, are indicated within the text of the Revised Partial EIR, through highlighting in the document itself and a table in the introduction section.

Volumes II and III of the Revised Partial EIR contain Appendix E, Response to Comments. Appendix E contains a matrix of agencies, organizations, and persons commenting on the Revised Partial Draft EIR; the full text of all letters and/or emails received during the public review period for the Revised Partial Draft EIR; a transcript from the August 14, 2006 public meeting; and LEA staff responses to all comments and suggestions received.

Volume IV of the Revised Partial EIR contains additional technical appendices consisting of supporting documents referred to in the Revised Partial EIR.

CHANGES IN PROJECT DESIGN AND MITIGATION AND ADDITIONAL ANALYSIS

To address the issues identified in the writ of mandate, the project proponent modified the proposed project and incorporated additional project design features and mitigation measures. The changes are incorporated into multiple sections of the Revised Partial EIR.

- The Traffic and Circulation section has been revised to discuss the 2003 Traffic Needs Assessment of Tribal Development Projects in the San Diego Region. LEA staff conclusions concerning the limitations of this study have not changed, but the study and these staff conclusions have now been circulated for public comment as required by the writ.
- The Public Services and Facilities Section has been revised to analyze the adequacy of and impacts of the proposed use of off-site recycled water from the Olivenhain Municipal Water District (OMWD), including impacts from improvements at the OMWD Santa Fe Valley Reservoir and Pump Station (Reservoir Site), impacts from truck trips to carry recycled water to the landfill site, and the management and use of recycled water at the landfill site. New significant and unavoidable project-related and cumulative impacts from traffic and traffic noise are identified along the haul route from the Reservoir Site to the landfill site because the project will contribute traffic to road segments operating at an existing or anticipated LOS E or F, and because the project will contribute noise to an existing exceedance of County noise standards. Other impacts can be mitigated to be less than significant. This will require new facilities and personnel to ensure proper management of recycled water at the landfill site.
- The Public Services and Facilities Section has also been revised to analyze impacts of the proposed use of percolating ground water pumped from the fractured bedrock formation of the landfill site. Precautions have been identified to ensure that the use of this source of water is limited to a safe yield based on the water levels in each well. In addition, protocols are defined to allow the use of these wells to also detect any contamination in ground water passing beneath the landfill operating area.

The Biological Resources section has been revised to include additional mitigation measures that ensure consistency with Section 5R of Proposition C. These measures include additional on-site habitat creation and enhancement, and additional offsite mitigation. Mitigation Measure 4.9-18 requires implementation of the 212.6 acre habitat enhancement plan independent of whether it could count as mitigation to direct impacts to vegetation communities or species habitat.

- In addition, the analysis has been updated to reevaluate the impacts of the project to upland habitat for the arroyo southwestern toad, to reanalyze project impacts to vegetation communities, and to evaluate the impacts of higher cumulative traffic noise to sensitive habitat for least Bell's vireo and the southwestern willow flycatcher based on the new traffic study discussed below. Some previous estimates of impacts to biological resources are reduced in these new analyses, but previously proposed mitigation is not reduced.

Although not directly required by the writ of mandate, the Revised Partial EIR also includes revision to the following sections:

- The noise section has been updated based upon new traffic and noise studies completed in 2006
- The Traffic and Circulation section has been revised to reevaluate traffic impacts based on the new traffic study, which considers 2005 baseline traffic and examines new traffic distribution patterns for the proposed project
- Air Quality, Health Risk and Noise impacts have been reevaluated to address changes to the project
- The Archaeology and Cultural Resources section and the Ethnohistory and Native American Interests section have been revised to include a discussion of project impacts that could occur if Gregory Mountain and Medicine Rock were added to the National Register of Historic Places
- The project description has been revised to reflect the fact the project will include a double composite liner with an additional drainage layer and an additional HDPE geo-membrane, consistent with the double liner alternative selected by you in 2003.
- A discussion has been added to the land use section discussing the Countywide Siting Element adopted by the California Integrated Waste Management Board on September 21, 2005 and project consistency with this new Siting Element
- Chapter 10 has been revised and updated to reflect changes to the project design and mitigation measures
- Chapter 11 has been revised and updated to address additional significant and unavoidable impacts identified in the new studies and the RPEIR.

CONCLUSIONS OF THE REVISED FINAL ENVIRONMENTAL IMPACT REPORT

Significant Impacts that Cannot Be Mitigated

The 2003 Draft EIR concluded that the project would cause significant impacts that could not be mitigated to a level of less than significant in five areas. Those areas were Traffic and Circulation, Noise and Vibration, Air Quality, Ethnohistory and Native American Interests, and Aesthetics. The Revised FEIR identifies additional significant impacts in the areas of traffic and circulation,

and noise and vibration. Some but not all of these additional impacts could be mitigated to a level of less than significant. An additional potential impact to Archeological and Cultural Resources has been identified in the Revised Partial EIR as significant, but this impact would occur only if Gregory Mountain or Medicine Rock were added to the National Register of Historic Places. If this impact were to occur, it could not be mitigated to a level of less than significant. (Chapter 11, Revised Partial EIR)

The subsections that follow summarize significant impacts and mitigation measures discussed in the five key impact areas in the 2003 Draft EIR, and in corresponding sections of the Revised Partial EIR.

A. TRAFFIC AND CIRCULATION

2003 DEIR SECTION 4.5

The analysis of long-term operational impacts assumed a worst-case scenario, in which all of the daily trips included in the project description would take place. This scenario used the highest daily level of waste allowed, 5000 tons per day, along with concurrent construction transport, for total passenger car equivalent trips of 2,085 trips per day. (See page 4.5-10 of the 2003 Draft EIR for more discussion.) Implementation of the mitigation measures discussed on pages 4.5-26 through 4.5-28 of the 2003 DEIR were determined to reduce project-related traffic impacts to a less than significant level.

However, cumulative traffic impacts (impacts from the landfill project in addition to other expected projects in the area) were determined to be significant and not mitigable to a level of less than significant unless SR 76 is widened to four lanes (pages 4.5-1 through pages 4.5-28 of the 2003 Draft EIR). Project traffic could worsen sections of poor road surface along SR 76 between Interstate 15 and the project access road, but this would be mitigated to a level of less than significant. The project traffic, combined with the existing traffic plus traffic from other proposed developments, would adversely affect the Interstate 15 northbound to/SR76 eastbound ramp by increased traffic at this ramp. SR76 would exceed the acceptable traffic loading for the existing highway conditions in the long term cumulative scenario.

The project applicant proposed to mitigate these cumulative impacts by making a fair share contribution for the costs to provide four lanes on SR 76 from the western boundary of the landfill site to the project access; make a fair share contribution to improvements and the SR 76/I-15 northbound intersection, make fair share pavement improvements consistent with Caltrans requirements prior completion of widening of SR 76 (if determined necessary), and make an irrevocable offer of dedication of a right of way for the widening of SR 76 on the landfill site. However, since there is no certainty about when Caltrans might construct these improvements and what fair share contributions will be required, the 2003 Draft EIR concludes that cumulative traffic impacts are significant and not mitigable. The fair share contribution will be determined by the County, in accordance with Proposition C and County policy and procedures.

Revised Partial EIR Section 4.5

Section 4.5 of the Revised Partial EIR is extensively changed from the 2003 Draft EIR, with 39 pages of new and revised text and tables. The Revised Partial EIR addresses traffic on I-15 and SR-76 based on a new traffic analysis, which incorporated higher levels of current / pre-project traffic. The Revised Partial EIR also examined the new impacts of importing recycled water by truck from the Olivenhain Reservoir Site.

This new analysis shows that the segment of SR 76 west of I-15 currently operates in an unacceptable LOS E condition during the afternoon hours between noon and 5:00 P.M. with and without the project traffic. Although the project would add fewer than 200 trips per day to this road segment, and therefore does not result in a significant direct impact to SR 76 west of I-15 based upon the County's significance criteria, the project would incrementally add traffic to the existing unacceptable level of service on this segment of SR 76. The project would be required to pay the County's Transportation Impact Fee to fund its fair share of this traffic condition. However, because of the uncertainty of the implementation of future improvements to SR 76 west of I-15, the project-related traffic impact is considered significant and unavoidable.

In addition, the segment of I-15 between Pomerado Road and Carmel Mountain Road currently operates in an unacceptable LOS F condition, with and without the project traffic. Although the project is not required to mitigate this impact to I-15 based upon the County's significance criteria, the project would incrementally add traffic to the existing unacceptable level of service on this segment of I-15. The project would be required to pay the county's Transportation Impact Fee to fund its fair share of this traffic condition. However, because of the uncertainty of the implementation of future improvements to I-15, the project-related traffic impact is considered significant and unavoidable.

SR 76 east of I-15 to the landfill access road was projected to operate at LOS E during afternoon peak hours when project traffic was added. Additional mitigation was proposed, in the form of limitations on project related traffic during these peak hours, to maintain LOS D on these segments. This mitigation measure reduced this project-related impact to less than significant.

In the cumulative analysis (near term, 2020 buildout, and Year 2030), many roadway segments along the SR 76 and I-15 corridors would operate at LOS E or F during peak A.M. and P.M. periods, with and without the project. Therefore, the project would contribute to cumulatively significant impacts on SR 76 and I-15, and intersections. The project includes mitigation measures for these cumulative impacts in addition to those provided in the 2003 Draft EIR, including implementation of the mitigation measure to pay the County's Transportation Impact Fee. However, because of the uncertainty of the implementation of future improvements, the cumulative traffic impact is considered significant and unavoidable.

B. NOISE AND VIBRATION

2003 DEIR Section 4.6

The project design features and the mitigation measures (discussed on pages 4.6-37 through 4.6-39) would reduce to a level of insignificance most of the impacts to adjacent sensitive receptors from construction and operational noise and vibration. The adjacent sensitive receptors are wildlife habitats and nearby residential properties. The design and mitigation measures would not mitigate

the noise impacts from project-generated traffic on residences. Potential noise impacts to wildlife habitat are mitigated to a level of less than significant.

Project-generated traffic would adversely impact these residences along SR 76 since project generated traffic would increase the noise levels in an existing degraded noise environment (page 4.6-5). In addition, project-generated traffic, when added to traffic from other future projects in the area, would contribute to significant cumulative adverse noise impacts at the existing cluster of residences between I-15 and Rice Canyon Road and one additional residence on the north side of SR 76 just west of the project site.

This site is on a corridor, SR76, which has traffic generated noise levels that already exceed the County standard. The project would contribute to this degraded noise environment, and the mitigation measure proposed for residences along SR76 is the installation of a sound wall (e.g., fence, masonry wall, earth berm, or vegetation) (pages 4.6-21).

The applicant does not own the property and the property owner, where the wall would be needed, objects to a sound wall. This makes the implementation of the mitigation measure not feasible (page 4.6-21). Thus, traffic from the project would have a significant project-level noise impact on residences along SR 76 between I-15 and the landfill site (see Chapter 11 of the 2003 Draft EIR), as well as contribute to a cumulatively significant noise impact on these residences.

Revised Partial EIR Section 4.6

The revised analysis concludes that noise impacts from construction of the landfill would not change, despite some change in project design. There would be new noise impacts from construction of the recycled water loading station at the Olivenhain Reservoir Site, but these would be short in duration and not significant.

While total traffic along the SR 76 corridor would not be increased beyond the limits analyzed in the 2003 Draft EIR, traffic noise would be redistributed because some truck trips would haul recycled water rather than trash. These changes to the project would have no significant effect on project-related traffic noise along I-15 and SR 76. However, project-related traffic would continue to contribute to an existing degraded noise environment, and mitigation to a level of less than significant along SR 76 could not be assured without new sound walls on private property, as described above for the 2003 Draft EIR. Cumulative traffic noise impacts would be slightly greater than projected in 2003, because of the increased baseline levels of traffic incorporated into the analysis. The Revised Final EIR quantifies these changes.

Noise levels along Maranatha Drive resulting from construction of recycled water facilities and recycled water trucks would be less than significant. However, as to Camino del Sur/Camino del Norte and I-15, which constitutes a portion of the haul route for recycled water trucks between the Reservoir Site and the landfill site, noise levels would be increased. While contributions from the project are below the County significance thresholds, the project would contribute to an existing noise environment above the County standard of 60 dBA CNEL at existing residences. As a result, the project would result in a significant and unavoidable project-related and cumulative

traffic noise impact to the existing residences along these road segments. The magnitude of the increase in noise caused by this project traffic is quantified in the Revised Partial EIR.

Therefore, the project would have a significant and unavoidable project-level and cumulative traffic noise impact to residences along SR 76, I-15, and Camino del Norte/Camino del Sur.

C. **AIR QUALITY**

2003 DEIR Section 4.7

Mitigation measures and project design features address the landfill gas control requirements, odor control plan and dust control from project operations. See pages 4.7-38 through 4.7-41 of the 2003 Draft EIR. These design features and mitigation measures should reduce these potential impacts to a less than significant level.

However, exhaust from earthmoving equipment and other equipment would cause project-level and cumulatively significant impacts from the emissions of Particulate Matter (PM₁₀) and Oxides of Nitrogen (NO_x) during construction and operation of the landfill. As discussed on pages 4.7-40 through 4.7-41 of the 2003 Draft EIR, these impacts cannot be avoided because the thresholds for PM₁₀ and NO_x would be exceeded. No other feasible mitigation measures are available to reduce these impacts to a level of insignificance. Therefore the project would have an unavoidable significant impact on air quality during both landfill initial construction and landfill operations.

Revised Partial EIR

No changes were made in the Revised Partial EIR to Section 4.7 of the 2003 Draft EIR. With respect to the landfill site, because project-related traffic did not change, there would be no change to the analysis of air quality impacts contained in the 2003 Draft EIR. The additional construction activities at the landfill site related to the double composite liner system and recycled water facilities were analyzed and determined to not create any additional significant air quality impacts beyond those analyzed in the 2003 Draft EIR.

Project-related air quality impacts from construction of recycled water facilities at the Olivenhain Reservoir Site were analyzed, and found to be well below significance thresholds. However, because these emissions would contribute to regional emissions, assuming concurrent construction at the Reservoir Site and landfill site, the emissions would contribute to the significant and unavoidable air quality impact previously disclosed in the 2003 Draft EIR.

Potential air quality impacts from recycled water trucking operations at the Olivenhain Reservoir Site were also analyzed, and project-related impacts would be less than significant. However, once again, these emissions would contribute to regional emissions, and would contribute to the significant and unavoidable air quality impact previously disclosed in the 2003 Draft EIR.

On March 19, 2007, the Land Use and Environment Group of the County of San Diego, Department of Planning and Land Use and the Department of Public Works adopted new Guidelines for Determining Significance and Report Format and Content Requirements for Air

Quality (Guidelines). The new Guidelines provide guidance for evaluating significant environmental effects of a proposed development project on air quality in the County.

LEA staff has reviewed the Guidelines. In general, the environmental analysis completed for the Revised Final EIR conforms to the newly released Guidelines, and thus, remains satisfactory. However, one part of the newly adopted Guidelines, relative to $PM_{2.5}$, was not addressed in the Revised Final EIR as it was an entirely new addition to the County's thresholds. As a result, LEA staff has considered whether the Revised Final EIR should be further revised to address this new air quality significance guideline.

After consultation with County Counsel, LEA staff has determined that additional revisions to the Revised Final EIR are not required by CEQA. The new Guidelines were released on March 19, 2007, after the Revised Final EIR was in production. This weighs against their consideration in the document. Pursuant to the CEQA Guidelines, although thresholds of significance are to be used in the determination of significance of environmental effects, those thresholds are applied to a baseline for determining significance, which baseline must be established in the EIR. See, 14 Cal.Code Regs. §§ 15064.7; 15125.

As stated in the CEQA Guidelines, "[a]n EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." See, 14 Cal.Code Regs. § 15125(a).

Since the environmental setting and the assessment of impact significance must be determined at a set time as laid out in the CEQA Guidelines, it is likewise important that the thresholds of significance also must be established at the same definitive time. In the absence of a determinative timeline for assessing impacts, the EIR process would otherwise be open to a continuous and never-ending review, as the environmental setting and the applicable thresholds could be edited and/or reexamined numerous times during the time it takes for an EIR to be certified by a lead agency.

Nonetheless, in order to provide you with full and complete information in reviewing the recommended action, LEA staff has reviewed the Revised Partial EIR, and concludes that, given the circumstances, the 2003 Draft EIR and the Revised Partial EIR adequately address $PM_{2.5}$.

The newly adopted Guidelines do not result in any changes to the physical environment caused by the proposed project. Rather, the newly adopted Guidelines recommend a new standard by which a project's air quality impacts may be measured. With regard to the previously analyzed impacts for the project, it should be noted that Section 4.7 of the 2003 Draft EIR and Section 4.15 of the Revised Partial EIR determined that the proposed project would result in significant and unavoidable air quality impacts, including adverse impacts from PM_{10} emissions. The conclusion reached in the 2003 Draft EIR, which was not altered in the Revised Partial EIR, was not overturned by the court or included in its writ when the 2003 Draft EIR was reviewed in the prior litigation.

Because $PM_{2.5}$ is a subset of PM_{10} , and potential impacts from PM_{10} were fully analyzed in the 2003 Draft EIR, LEA staff have determined that the finding of a significant and unavoidable air quality impact made in the 2003 Draft EIR and Revised Partial EIR would not change based on the new $PM_{2.5}$ Guideline.

LEA staff notes that the proposed project already includes a number of project design features to minimize $PM_{2.5}$ emissions that go beyond the requirements of applicable regulations. These measures include the use of diesel particulate traps on construction vehicles at the landfill site and the Olivenhain Reservoir Site, and a requirement to undertake reasonable efforts to equip recycled water trucks with diesel particulate traps. SDAPCD rules effectively compel the use of particulate traps only for stationary diesel engines; neither SDAPCD nor South Coast AQMD rules currently require the use of diesel particulate traps on construction vehicles or on-road vehicles.

LEA staff believes that it is unlikely that any further analysis would disclose additional feasible project design features or mitigation measures that would reduce the impact to less than significant.

Finally, the Revised Partial EIR contains a health risk assessment for Diesel Particulate Matter (DPM) in the vicinity of the Olivenhain Reservoir Site, including the Maranatha School. The assessment determined that the health risk at this location was less than significant, based on the 1×10^{-5} significance threshold established in Proposition 65. This analysis is informative, since diesel exhaust is the largest contributor of $PM_{2.5}$ and health risk is the primary concern with respect to $PM_{2.5}$.

As a result, County DEH staff does not believe that additional revisions to the Revised Final EIR are warranted as a result of the new Guidelines.

D. **ETHNOHISTORY AND NATIVE AMERICAN INTERESTS**

2003 DEIR SECTION 4.12

The project could cause potential impacts to Native American cultural resources in an objective and subjective manner. The objective component is the extent to which a Native American resource is impacted based upon objective data from air quality, noise, dust, traffic and other objective studies. The subjective component reflects the judgment of the particular Native American Tribe on the impacts the project may have upon their traditional use of sites. Both criteria were used in this 2003 Draft EIR in evaluating impacts to the resources of the Luiseño Tribe of Native Americans impacted by this project.

Using traditional methods to measure objective data of air quality, noise and aesthetic impacts, the mitigation measures identified in the 2003 Draft EIR were sufficient to reduce these impacts to a level of less than significant. However, the Luiseño, believe that impacts of the project on their traditional uses of the site are significant. This belief is based on the subjective component of their traditional use of the site and their relationships to Gregory Mountain and Medicine Rock (pages 4.12-5 through 4.12-6 of the 2003 Draft EIR). There would be long-term physical

alterations to Gregory Canyon, which is at the base of the sacred Gregory Mountain cultural resource. Ongoing landfill operations could be disruptive to ongoing traditional tribal activities associated with Gregory Mountain.

No impacts to Gregory Mountain are considered acceptable to the Luiseño Tribes. The Luiseño people have indicated that the alterations of Gregory Canyon would contribute to the degradation of Medicine Rock and would have a significant adverse effect on this resource. At the time the 2003 Draft EIR was prepared the Luiseño Tribes were reluctant to discuss mitigation.

Based on input from Luiseño representatives during the initial EIR preparation process, the Luiseño consider the impacts to their traditional use sites to be significant and adverse. Therefore, given the lack of agreed upon standards for impacts and mitigation of impacts by both parties, the 2003 Draft EIR concluded that there may be a significant impact to EthnoHistorical resources (Gregory Mountain and Medicine Rock) as mitigation measures identified in the 2003 DEIR may not mitigate potential effects to a less than significant level (page 4.12-13).

Revised Partial EIR Sections 4.11 and 4.12

In the Revised Partial EIR the 2003 analysis was expanded to address the impacts the project would have on archaeological, cultural and historical resources in the event Gregory Mountain and Medicine Rock were listed on the National Register of Historic Places. This additional analysis was undertaken while a nomination of these locations for listing was pending. That nomination is no longer under consideration by the National Park Service, but could be revived. The Revised Partial EIR analysis concludes that from a subjective perspective, cultural and historical impacts to these locations would be significant and unavoidable in much the same way the impacts on these locations as EthnoHistorical resources would be significant and unavoidable.

E. AESTHETICS

2003 DEIR Section 4.13

The project would have significant impacts to visual resources, visual character/quality, and landform quality. Since the landfill would utilize the canyon and area fill methodology for trash placement and the final elevation of the landfill will be 1,100 feet above mean sea level, the landfill face would be the most highly visible project component. At a close to moderate viewing distance, the landfill gas collection system components, as well as the rain runoff down drains would be highly visible pages (4.13-13 through 4.13-37). The aesthetic impacts of the landfill face/slope and the landfill surface would remain significant as to landform quality even after the implementation of mitigation measures detailed on pages 4.13-59 through 4.13-69 of the 2003 Draft EIR. Mitigation incorporated into the project includes landscaping to screen project elements and to block views of the site from SR76.

Revised Partial EIR Section 4.13

No changes were made to this section. These impacts would remain significant and unavoidable even after mitigation.

COMMENTS AND RESPONSES

Numerous comments were submitted on the Revised Partial Draft EIR draft which was circulated for public review in July and August 2006. Public agencies, organizations and individuals submitted comments. The comments covered virtually every aspect and potential impact of the proposed landfill. The transcript of and comments received during the August 14, 2006 public meeting are also included. As required by CEQA, a response to each comment was prepared. Appendix E- Volumes II and III contain the Response to Comments. Chapter 12 of the Revised Partial EIR, EIR Contributors, contains a list of the organizations and persons consulted as well as the EIR Preparers and Technical Consultants for the Revised Partial EIR.

STAFF RECOMMENDATIONS:

1. Certify that the Final Environmental Impact Report (FEIR) consisting of the 2003 Draft EIR and the Revised Partial EIR has been completed in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines and reflects the independent judgment and analysis of the Director, Department of Environmental Health.
2. Adopt the finding that further re-circulation of the Final EIR is not required (Attachment A)
3. Adopt the statement regarding the custodian of the record of proceedings (Attachment B)

Re-circulation

The finding in Attachment A explains why no further re-circulation of all or any part of the FEIR is required.

Attachment A

RECIRCULATION OF THE REVISED FINAL EIR IS NOT REQUIRED

Finding: Further recirculation of the Revised Final EIR is not required.

The Revised Final EIR consists of the February 6, 2003 Final EIR (which was subsequently decertified); the Revised Partial Draft EIR (which was circulated for public comment from July 10, 2006 through August 24, 2006); further revisions to the Final EIR and Revised Partial Draft EIR; the verbatim comments and recommendations received on the Revised Partial Draft EIR; a list of persons commenting on the Revised Partial Draft EIR; the responses of the County Department of Environmental Health to significant environmental points raised in the review and consultation process; and additional information incorporated into the Revised Final EIR by the Department of Environmental Health.

Rationale: The Revised Partial Draft EIR incorporated and addressed all significant revisions to this project since the 2003 Final EIR. Adequate supporting analysis was included related to those revisions. The County was not required to circulate the Revised Partial Draft EIR for public review and comment pursuant to the CEQA Guidelines, but that material was nevertheless circulated for public comment from July 10, 2006 through August 24, 2006. A public meeting was also held on August 14 2006 at which written and oral comments were received. In response to the comments received on the Revised Partial Draft EIR, additional revisions were made in the Revised Final EIR, to correct minor errors in the presentation of technical information, to clarify parts of the document, and to add or modify mitigation measures.

No new significant information was added to the Revised Final EIR following public review of the Revised Partial Draft EIR that demonstrates that a new significant environmental impact would result from the proposed landfill. No new significant information was added to the Revised Final EIR following public review of the Revised Partial Draft EIR that demonstrates that a substantial increase in severity of an environmental impact would result from the proposed landfill. No new significant information was added to the Revised Final EIR following public review of the Revised Partial Draft EIR that demonstrates that there are feasible project alternatives or mitigation measures considerably different from others previously analyzed, which alternatives or mitigation measures would clearly lessen significant impacts of the proposed landfill. Finally, the Revised Partial Draft EIR was not so fundamentally inadequate that meaningful public review and comment were precluded.

The Revised Partial Draft EIR was circulated for public review and comment, and a public hearing was held to take testimony on the Revised Partial Draft EIR and the proposed landfill. Thus,

there has been substantial public review of the Revised Final EIR for the proposed landfill. No further public review of the Revised Final EIR, or any part of it, is required.

Attachment B

**STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS
OR OTHER MATERIALS THAT CONSTITUTE THE RECORD OF PROCEEDINGS**

April 30, 2007

Project Name: Gregory Canyon Landfill

Reference Case Numbers: Environmental Record (ER) 98-02-025; SCH # 1995061007

CEQA requires the lead agency (in this case, the County of San Diego Department of Environmental Health) to specify the location and custodian of the documents or other material that constitute the record of proceedings upon which its decision is based. (Public Resources Code section 21081.6(a)(2).) It is the purpose of this statement to satisfy this requirement.

Location of Documents and Other Materials That Constitute the Record of Proceedings:

County of San Diego, Department of Environmental Health
Solid Waste Local Enforcement Agency
9325 Hazard Way
San Diego, California 92123

Custodian:

County of San Diego, Department of Environmental Health
Solid Waste Local Enforcement Agency
9325 Hazard Way
San Diego, California 92123